



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center
Acting Chief, Wireless Telecommunications Bureau

FROM: *DMA* Daniel M. Armstrong
Associate General Counsel

SUBJECT: *Preferred Communication Systems, Inc. v. FCC & USA*, No. 05-1120. Filing of a Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: April 21, 2005

This is to advise you that, on April 11, 2005, Preferred Communication Systems, Inc. ("Preferred") filed a Petition for Review in the U.S. Court of Appeals for the District of Columbia Circuit, pursuant to 47 U.S.C. 402(a), of the following order: *Improving Public Safety Communications in the 800 MHz Band, et al.*, Supplemental Order and Order on Reconsideration, WT Docket No. 02-55, *et al.*, FCC 04-294, 19 FCC Rcd 25120 (2004), 70 Fed. Reg. 6758 (Feb. 8, 2005).

Preferred claims that regulatory changes implemented in the Supplemental Order unfairly prejudice Preferred to the benefit of other licensees and constitute a taking. It also claims that spectrum granted to Nextel as part of the 800 MHz reorganization violates the Anti-Deficiency Act and the Miscellaneous Receipts Act.

The Court has docketed this case as No. 05-1120. The attorney assigned to handle the litigation of this case is Joel Marcus.